

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2011-094248

12/19/2011

HON. JOHN R. DITSWORTH

CLERK OF THE COURT
M. Brady
Deputy

GREGORY SIMS

FRANCIS G FANNING

v.

PINNACLE SOUTHWEST L L C, et al.

PINNACLE SOUTHWEST L L C
NO ADDRESS ON RECORD

JAMES MCLEMORE
NO ADDRESS ON RECORD
SHERENE MCLEMORE
NO ADDRESS ON RECORD
KRISTIN L WINDTBERG
ALTERNATIVE DISPUTE
RESOLUTION - CCC

MINUTE ENTRY

Courtroom 203 – SEA

10:00 a.m. This is the time set for Comprehensive Pretrial Conference and Defendant Topes' Motion to Dismiss. Counsel, Francis Fanning, appears on behalf of Plaintiff. Counsel, Kristin Windtberg, appears on behalf of Defendants Tope.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Argument is heard on Defendant Topes' Motion to Dismiss.

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IT IS ORDERED taking the motion under advisement.

The Court has reviewed the parties' Joint Proposed Scheduling Order and adopts and/or modifies the days as follows:

IT IS ORDERED as follows:

1. Plaintiffs final expert disclosure shall be served by **5:00 p.m. on February 24, 2012.**
2. Defendants final expert disclosure shall be served by **5:00 p.m. on April 13, 2012.**
3. The parties shall mutually and simultaneously disclose their rebuttal expert witnesses and opinions by **5:00 p.m. on May 25, 2012.**
4. The parties shall disclose all non-expert witnesses by **5:00 p.m. on March 16, 2012.**
5. All discovery shall be concluded by **5:00 p.m. on June 29, 2012.**
6. All dispositive motions, other than motions *in limine*, must be filed by **5:00 p.m. on July 27, 2012.**
7. Settlement conference:

The parties shall participate in a mandatory Settlement Conference. This case is referred to the Court's Alternative Dispute Resolution for the appointment of a ***judge pro tempore*** to conduct a settlement conference. Counsel and/or the parties will receive a minute entry from ADR appointing the judge *pro tempore*. Counsel and any "pro per" parties will contact the appointed judge *pro tempore* to arrange the date, time, and location for the settlement conference. The judge *pro tempore* is requested to conduct a settlement conference not later than **April 15, 2012**. The Office of Alternative Dispute Resolution will not do the scheduling of the settlement conference so please do not contact that office.

All counsel and their clients, or non-lawyer representatives who have full and complete authority to settle the case, shall personally appear and participate in good

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faith in the Settlement Conference. Sanctions may be imposed for failure to participate.

8. No expert witnesses, expert opinions, lay witnesses, or exhibits shall be used at trial other than those disclosed in a timely manner, except for good cause shown or written agreement of the parties.
9. A **Telephonic Status/Scheduling Conference** is set for **April 23, 2012 at 8:45 a.m.** for the purpose of assigning a trial date if the case has not settled. Counsel shall have their trial calendars available. Counsel for Plaintiff shall initiate the telephonic conference by first arranging the presence of all other counsel on the conference call and by calling this division at: **(602) 506-8288** promptly at the scheduled time.

NOTE: This Court utilizes FTR for an electronic record of the proceedings. However, any party may request the presence of a court reporter by contacting the division three (3) court business days before the scheduled hearing.

1. Should any discovery disputes arise, counsel, prior to filing discovery motions, shall meet and confer pursuant to Rule 37, Ariz.R.Civ.P.
2. The dates set forth in this Order are FIRM dates and will not be extended or modified by this Court absent good cause. Lack of preparation will not ordinarily be considered good cause.
3. This case is removed from the Inactive Calendar and all requirements of Rule 38.1, Ariz.R.Civ.P., are waived unless and until otherwise ordered by the Court.

10:16 a.m. Hearing concludes.

LATER:

IT IS ORDERED dismissing Plaintiff's Complaint against Defendants Michael and Traci Tope, only, with prejudice.

Plaintiff has leave to amend their Complaint.

ALERT: Effective September 1, 2011, the Arizona Supreme Court Administrative Order 2011-87 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil

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cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.